

REMARKS

Claims 37-65 and 67-77 are currently pending in this application. As an initial matter, applicants inadvertently omitted claims 67 and 68 from the Listing of Claims in the previous response to the Office Action dated June 17, 2003. However, the first sentence under the Remarks section of that Office Action response read, "Claims 37-65 and 67-77 are currently pending in this application." Applicants have properly listed all of the claims in this response.

Claims 37-54, 56-65, 69-72, and 75-77 are allowed.

Claim 55 stands rejected. Claims 37, 39 and 40 are objected to for informalities.

No new matter is being hereby introduced.

Claim Rejections – 35 U.S.C. § 112, second paragraph

Claim 55 stands rejected under 35 U.S.C. §112, second paragraph as the Examiner contends that the claim is indefinite for failing to particularly point out and distinctly claim the subject matter. Specifically, the Examiner contends that claim 55 lacks sufficient antecedent basis for the limitation "the swinepox virus." The applicants respectfully disagree with the Examiner's rejection. However, in order to expedite prosecution of this application, claim 55 has been amended to indicate that the recombinant virus is a swinepox virus. Reconsideration and withdrawal of this 35 U.S.C. §112, second paragraph rejection is respectfully requested.

Claim Objections

Claims 37, 39, and 40 stand objected to for informalities related to Markush language and dependency. In particular, the last member of the Markush group of claim 37 is not preceded by the word "and."

As an initial matter, applicants assume that the second objection is directed to claims 39 and 40 since claim 38 is dependent on claim 37, even though the Examiner states that "Claims 38 and 39 should depend from Claim 37." In order to address the Examiner's concerns, applicants have amended claims 39 and 40 to depend from claim 37. Reconsideration and withdrawal of these objections are respectfully requested.

Enclosed for filing are the necessary executed documents to accurately reflect the correct inventorship of the subject matter currently claimed. Enclosed are the following

documents to support a change of inventorship to correctly reflect the addition of Ellen W. Collisson, Stephen M. Hash, and Insoo Choi of Texas A&M University System as inventors: (1) a request to correct the inventorship that sets forth the desired inventorship change; (2) a statement from each person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part; (3) an oath or declaration by the actual inventor or inventors; (4) the processing fee set forth in Sec. 1.17(i); and (5) the written consent of the assignee. Also enclosed is a copy of the Assignment (to be filed in the USPTO) from Schering-Plough Veterinary Corporation (Assignor) sells, assigns, and transfers to Schering-Plough Animal Health Corporation (Assignee) with respect to the United States, Assignor's entire rights, title and interest of the instant application.

AUTHORIZATION

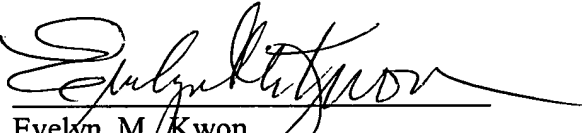
No additional fees are believed to be necessitated by this amendment. However, should this be an error, authorization is hereby given to charge Deposit Account No. 13-4500, Order No. 2976-4055US2 for any underpayment or to credit any overpayment.

In the event that there are any questions concerning this amendment or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

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By:


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